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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,616	11/27/2000	Toshiaki Hirata	500.36716CX1	5300

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EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2155

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DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,616

Applicant(s)

HIRATA ET AL.

Examiner

Patrice Winder

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/188,263.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claim 14 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,170,010. Although the conflicting claims are not identical, they are not patentably distinct from each other because the omitted "means for managing a series of operations" and "means for mutually switching" is an obvious variation.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 depends on a cancelled claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Mayo et al., USPN 5,751,965 (hereafter referred to as Mayo).

6. Regarding claim 14, Mayo taught an integrated managing screen display portion comprises:

a computer monitoring unit representing a connection relationship among the managed computers by links among symbols and representing an operation state of a relevant managed computer in the form of a symbol color (Fig. 10, column 10, lines 3-25);

an operation monitoring unit representing each of operations executed on the computer in the form of a symbol, representing the execution order of operations by links with directions among symbols and representing an execution state of the operation in the form of a symbol color (Fig. 11, column 10, lines 26-46); and

an operation monitoring unit representing a connection relationship among the managed computers by links among symbols and representing an operation state of the relevant computer in the form of a symbol color (column 7, lines 6-29).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kisor, USPN 6,098,091 (hereafter referred to as Kisor) in view of Chou et al., USPN 5,902,352 (hereafter referred to as Chou).

10. Regarding claim 9, Kisor taught a computer operation management system which includes a managing computer and a plurality of computers to be managed (column 2, lines 21-30), each of said plurality of computers to be managed (remote computers which are assigned tasks) comprising:

a unit which receives operation defining information from said managing computer (column 6, lines 31-35);

a unit which causes execution of an operation processing including at least one of job execution control, power supply control in accordance with the operation defining information from said receiving unit (column 5, lines 16-25);

a unit which transmits a result of the execution by said execution causing unit to said managing computer (column 6, lines 53-59); and

a unit, responsive to an instruction from said managing computer, for collecting management information including load information of said computer to be managed and returning collected information to said managing computer, and wherein said managing computer (central computer) comprising:

a management information control portion including a unit which collects the managing information and the execution result transmitted from the managed computer (column 4, lines 37-43),

a unit, coupled to said collecting unit of the managed computer, for managing operation of the managing computers using the operation defining information transmitted to the managed computers, the collected management information and the execution result (column 4, lines 44-50, column 6, lines 12-15, 43-53).

Kisor does not specifically teach a managed computer comprising an integrated managing agent portion or a managing computer comprising an integrated management screen display portion. However, Chou taught a managed computer comprising an integrated managing agent portion (column 4, lines 46-57) or a managing computer comprising an integrated management screen display portion displaying a state of management by the managing computer screen (column 27, lines 48-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Chou's agent system including an integrated management screen in Kisor's system for assigning tasks would have improved efficiency. The motivation would have been to more integrated platform to enable scheduling of assigned tasks.

11. Regarding dependent claim 10, Kisor taught said managing operation unit in said managing computer further comprises:

a unit, responsive to reception of a specified event as collected managing information, instructing the execution of a predeterminedly specified operation to a predetermined computer (column 6, lines 53-59);

a unit, responsive to an abnormal termination of the operation due to a computer or an operation program, referring to the state of each managed computer by a computer monitoring unit to instruct re-execution of the operation by returning back to a re-executable point of time of the operation to a managed computer normally operated (managed computer failure, column 6, lines 43-53); and

a unit, which monitors an execution result time with respect to a predetermined execution time of an operation, ceasing the execution of the operation on a relevant computer when said execution result time exceeds a predetermined time range at a switchable point of execution of the operation to instruct execute on of the operation from the next execution point to other managed computers having a predetermined load or less (processing exceeding scheduled time, column 6, lines 43-53).

12. Regarding dependent claim 11, Chou taught said integrated managing agent portion comprises an action execution control portion, responsive to an instruction received from said managing computer, causing a relevant managed computer to executed an instructed job (column 9, lines 15-22).

13. Regarding dependent claim 12, Kisor taught said managing computer (central computer) further comprises:

a database (resource available file 308);

wherein said managing information portion comprises:

a unit which stores and manages management information collected from said managed computers to said database (column 5, lines 19-53),

a unit, responsive to absence of necessary information on the database upon management operation from an manager, inquiring the managed computers of the necessary information and presenting information as a result of the inquiring to the managing computer (column 6, lines 3-11), and

a unit which stores said presented information to said database (column 5, lines 20-22).

14. Regarding dependent claim 13, Chou taught said integrated managing screen display portion (management GUI) comprises:

a unit, responsive to designation of a specified managed computer on a display screen displaying a configuration of a set of computers, changing the screen to display details of operation execution state on a relevant managed computer including any of a list of defined jobs, a list of jobs under execution and information of past execution history (column 27, lines 18-25); and

a unit which designates a specified message on a relevant screen from a monitoring screen displaying a message an operation state of an execution result of an operation system or a computer system to display on another screen of the same console (column 27, lines 25-31), a configuration display screen of a set of computers

including managed computers related with said message or an operation configuration screen related with said message (column 27, lines 48-52).

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kisor and Chou as applied to claim 9 above, and further in view of Behm et al., USPN 5,414,845 (hereafter referred to as Behm).

16. Regarding dependent claim 15, Kisor-Chou does not specifically teach units of said integrated managing screen display. However, Behm taught an integrated managing screen display portion (operation interface 18) further comprises:

a unit relating a particular computer with an operation executed on the computers switching a monitoring screen displayed by an operation monitoring unit and a computer monitoring unit alternately for display to manifest the relation between the operation and the computer (column 5, lines 40-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Behm's switching between monitoring screens in Kisor-Chou's system for assigning tasks would have improved system effectiveness. The motivation would have been to display to the network manager as much information as is available.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

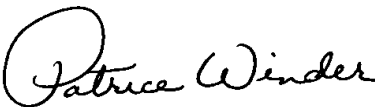
- a. Touboul, USPN 6,125,390: taught a method and apparatus for allowing integrated remote access and control of network workstations by the network administrator; and

b. Dentler et al., USPN 6,289,368 B1: taught a method and apparatus for graphically indicating the status of one or more computer processes which are scheduled for executing on distributed computer processes.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam, can be reached on (703) 308-6662. The fax phone number for this Group is official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


PATRICE WINDER
PRIMARY EXAMINER